

SENATE JOURNAL

Sixty-second Legislature—First Called Session

AUSTIN, TEXAS, TUESDAY, JUNE 1, 1971

PROCEEDINGS

FIRST DAY

(Tuesday, June 1, 1971)

In obedience to the proclamation of the Honorable Preston Smith, Governor of the State of Texas, the Senate met in the Senate Chamber at the City of Austin, on the first day of June, 1971, at 12:01 o'clock p.m., and was called to order by the President.

Quorum Present

The President directed the Secretary to call the roll of the Senate.

The roll was called and the following Senators were present:

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

Absent—Excused

Bridges Moore

The President announced a quorum of the Senate present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

Leaves of Absence

Senator Bridges was granted leave of absence for today on account of important business on motion of Senator Bates.

Senator Moore was granted leave of absence for today on account of im-

portant business on motion of Senator Aikin.

Proclamation from Governor Calling Special Session

The President laid out the following Proclamation from the Governor:

PROCLAMATION

by the

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

In lieu of the Proclamation previously sent to you calling a special session, 62nd Legislature, at 12:01 a.m., Tuesday, the 1st day of June, A.D. 1971, I, Preston Smith, Governor of the State of Texas, do by virtue of authority vested in me by the Constitution of Texas, hereby call a special session, 62nd Legislature, to be convened in the City of Austin, commencing at 12:01 p.m., Tuesday, the 1st day of June, A.D. 1971, for the following purposes:

1. To enact legislation to apportion the State of Texas into Congressional Districts in accordance with the 1970 United States decennial census.

2. To consider and act on such other subjects and questions as the Governor may submit from time to time.

The Secretary of State will take notice of this action and will notify the members of the Legislature.

Done at Austin, Texas, this 31st day of May, A.D. 1971, under the Seal of this State properly attested by the Secretary of State.

PRESTON SMITH,
Governor.

Attest:

MARTIN DIES, JR.,
Secretary of State

The Proclamation was read and filed with the Secretary of the Senate.

Motion in Writing

Senator Aikin submitted the following Motion in Writing:

Mr. President, I move that the President be authorized to appoint a committee of five (5) members to notify the Governor that the Senate is organized and ready for business.

AIKIN

The motion was read and was adopted.

The President announced the appointment of the following as a committee to notify the Governor: Senators Brooks, Word, Bates, Creighton and Herring.

Motion in Writing

Senator Aikin submitted the following Motion in Writing:

Mr. President, I move that the President be authorized to appoint a committee of five (5) members to notify the House that the Senate is organized and ready for business.

AIKIN

The motion was read and was adopted.

The President announced the appointment of the following as a committee to notify the House: Senators Patman, Bernal, Snelson, Wallace and Wilson.

Senate Resolution 1

Senator Aikin offered the following resolution:

Honorable Ben Barnes
Lieutenant Governor
Senate of Texas
Austin, Texas

Sir:

At a caucus held in the office of the Senate attended by 26 members of the Senate, the following recommendations were made, to-wit:

The following officers were elected to serve for the First Called Session of the 62nd Legislature at the will of

the Senate, and at the salaries set opposite their names:

Secretary of the Senate, Charles Schnabel, \$2,000.00 per month.

Journal Clerk, Minnie Meier, \$900.00 per month.

Sergeant-at-Arms, Tommy Townsend, \$1,000.00 per month.

Doorkeeper, Charlie Jones, \$600.00 per month.

Chaplain, W. H. Townsend, \$600.00 per month.

Calendar Clerk, Arline Morse, \$900.00 per month.

Enrolling Clerk, Bea Lewis, \$900.00 per month.

Staff Services Clerk, Mrs. John Draper, \$900.00 per month.

All officers and employees appointed by this caucus shall hold their office of employment for the duration of the First Called Session of the 62nd Legislature.

It is recommended that the Lieutenant Governor and the Secretary of the Senate each be permitted to name secretarial staff and assistants at salaries designated by the Lieutenant Governor and the Administration Committee respectively. The parliamentarian, Frank Elliott, named by the Lieutenant Governor, shall receive \$900.00 per month.

It is further recommended that the President of the Senate has exclusive appointment of a sufficient number of custodians, messengers, pages, elevator operators, porters and other employees as in his judgment may be necessary. The President of the Senate is also authorized to designate any member of the Senate or Senate staff to attend official meetings of the Council of State Governments, or other national governmental organization during the First Called Session of the 62nd Legislature while in Special Session. Actual and necessary expenses are hereby authorized as reimbursement for such trips.

It is further recommended that each Senator shall be permitted to employ secretarial and other office staff at a maximum payroll of \$4,500.00 per month under the following classification schedule:

Title	Class No.	Group	Salary and Step Range
Administrative Secretary	0138	09	610 (5) - 630 (6) - 651 (7)
Administrative Technician I	1501	08	571 (5) - 590 (6) - 610 (7)
Administrative Technician II	1502	11	696 (5) - 719 (6) - 743 (7)
Administrative Technician III	1503	15	876 (3) - 936 (5) - 1000 (7)
Information Specialist I	1892	14	768 (1) - 794 (2) - 820 (3)

Secretary III	0135	07	517 (5) - 534 (6) - 552 (7)
Secretary II	0133	05	453 (5) - 468 (6) - 484 (7)
Stenographer I	0126	04	424 (5) - 438 (6) - 453 (7)
Clerk Typist II	0106	04	372 (1) - 384 (2) - 397 (3)
Clerk I	0051	02	326 (1) - 337 (2) - 348 (3)
Messenger	0011	02	372 (5) - 384 (6) - 397 (2)

The names of such employees as are not employed directly in a Senator's office shall be referred to an assignment committee hereinafter provided for and such committee shall be authorized to select employees from such list. The appointed officers of the Senate may select, subject to the approval of the Administration Committee, employees to fill such key positions as may be authorized by said committee. All such employees shall be designated in a classified position as determined by the Administration Committee.

It is further recommended that the President of the Senate be authorized to name a committee of five, such committee shall be designated as an Assignment Committee for the purpose of assigning employees as herein authorized and the committee be authorized to select sufficient additional employees to be assigned by it when and where needed.

It is further recommended that each Senator, as quickly as possible, file with the Secretary of the Senate the names of his office staff; that he also file with the Chairman of the Assignment Committee aforesaid the names of the employees selected, together with his or her post office address.

The Lieutenant Governor, Senators and the Secretary of the Senate are hereby fully authorized and empowered to use any assistant Sergeant-at-Arms and all other necessary employees for any and all services needed in and about the Senate.

It is further recommended that the Lieutenant Governor, each Senator and the Secretary of the Senate, be permitted to subscribe to 4 newspapers to be paid out of the contingent fund, be allowed the stationery and postage needed by them respectively, and expenses incurred in transmitting and receiving telephone and telegraph messages and express charges as may be actually necessary in the discharge of their official duties, said expenses to be paid out of the contingent fund.

It is further recommended that not to exceed 4,500 Journals be printed, all of which shall be prorated among

the Senators and Lieutenant Governor, except 175 Journals shall be furnished the members of the House.

It is further recommended that the State Library be furnished 75 copies of the daily Journal.

It is further recommended that the Senate request the State Comptroller of Public Accounts, to issue general revenue warrants for payment of the members and employees of the Senate upon presentation of the payroll account signed by the Presiding Officer and the Secretary of the Senate.

It is further recommended that no employee of the Senate shall during the time he or she is employed, furnish to any person, firm or corporation any information other than general information furnished the public pertaining to the Senate and they shall not without permission receive any compensation from any person, firm or corporation during their employment by the Senate and any employee found guilty of violating this provision shall be immediately discharged.

All employees, except those responsible directly to the Lieutenant Governor, Members of the Senate, Secretary of the Senate, committee, or to the head of a department, shall report for duty at eight o'clock a.m., and one o'clock p.m. each day to the Sergeant-at-Arms of the Senate, except part-time employees, who shall report at the place and time directed by the Sergeant-at-Arms, and none of such employees shall be paid for the days they are absent from the Senate, unless excused by the Sergeant-at-Arms.

It is further recommended that the Chairman of each standing Committee shall have authority to employ such additional employees of his own selection as may be needed by said committee, said employees to receive the same compensation paid similar positions as herein fixed, who shall discharge the duties of said standing Committee, subject to the approval of the Administration Committee.

Be it further resolved, that no employees of the Senate except those

whose official duties require them to work upon the floor of the Senate, shall have access to the floor unless that employee shall have been requested by a Senator, the Lieutenant Governor, or the Secretary of the Senate to come on the floor for some official duty, which when performed, he shall immediately leave the floor of the Senate. The Sergeant-at-Arms is specifically ordered to see that this provision is carried out.

Only those who have the privileges of the floor during the session of the Senate shall be permitted on the Senate floor for a period of thirty minutes prior to the time the Senate convenes. The Sergeant-at-Arms is instructed to enforce this rule and to permit only those having the privileges of the floor to enter or remain on the Senate floor during such thirty minute period.

Respectfully submitted,
A. M. AIKIN, JR.
Chairman of the Caucus
CHARLES HERRING
Secretary of the Caucus

The resolution was read and was adopted.

Officers of the Senate

The President announced that the duly-elected officers of the Senate named in the Caucus Report for the 62nd Legislature would continue in office for the First Called Session of the 62nd Legislature.

Senate Resolution 2

Senator Aikin offered the following resolution:

Be It Resolved, That the Rules of the Senate of the 62nd Legislature, Regular Session, as adopted by the Senate on January 12, 1971, and as published in the manual of the 62nd Legislature, be adopted as the permanent rules of the Senate of the 62nd Legislature, First Called Session.

The resolution was read and was adopted by the following vote:

Yeas—29

Aikin	Connally
Bates	Creighton
Beckworth	Grover
Bernal	Hall
Blanchard	Harrington
Brooks	Harris
Christie	Herring

Hightower	Schwartz
Jordan	Sherman
Kennard	Snelson
Kothmann	Wallace
Mauzy	Watson
McKool	Wilson
Patman	Word
Ratliff	

Absent—Excused

Bridges Moore

Senate Concurrent Resolution 1

Senator Schwartz submitted the following resolution:

S. C. R. No. 1, Providing for the adoption of the Joint Rules.

Be It Resolved, By the Senate of the 62nd Legislature, First Called Session, the House of Representatives concurring, that the Joint Rules as adopted by the Senate of the 62nd Legislature, Regular Session, be adopted as the Joint Rules of the 62nd Legislature, First Called Session.

SCHWARTZ
AIKIN

The resolution was read.

On motion of Senator Schwartz and by unanimous consent, the resolution was considered immediately and was adopted.

Governor Notified

The Committee to notify the Governor that the Senate was organized and ready to transact business appeared at the Bar of the Senate and Senator Brooks for the Committee notified the President and the Members of the Senate that the Committee had performed the duty assigned it.

The Committee was discharged.

Standing Committees

The President announced that the Standing Committees of the 62nd Legislature would continue for the First Called Session of the 62nd Legislature

Senate Bills on First Reading

The following bills were introduced, read first time and referred to the Committee indicated:

By Senator Word:

S. B. No. 1, A bill to be entitled "An Act relating to reapportionment

of congressional districts; repealing Chapter 342, Acts of the 60th Legislature, Regular Session, 1967 (Article 197c, Vernon's Texas Civil Statutes); and declaring an emergency."

To Committee on Legislative, Congressional and Judicial Districts.

By Senator Mauzy:

S. B. No. 2 A bill to be entitled "An Act relating to the composition of the State Board of Education; amending Section 11.21 and Subsections (h) and (i) of Section 11.22, Texas Education Code; and declaring an emergency."

To Committee on Education.

House Notified

The Committee to notify the House that the Senate was organized and ready to transact business appeared at the Bar of the Senate and Senator Patman for the Committee notified the President and the Members of the Senate that the Committee had performed the duty assigned it.

The Committee was discharged.

Election of President Pro Tempore for First Called Session of the Sixty-second Legislature

The President announced the election of a President Pro Tempore as the next order of business.

Senator Hightower nominated Senator W. E. (Pete) Snelson as President Pro Tempore for the First Called Session of the Sixty-second Legislature.

There being no further nominations, the President announced the appointment of the following as Tellers to take up and count the ballots: Senators Hightower and Wallace.

The ballots were taken up and counted and the President announced that Senator Snelson had received 28 votes with 1 present not voting for President Pro Tempore of the First Called Session of the Sixty-Second Legislature and declared him duly elected.

The President appointed Senators Herring and Aikin to escort Senator Snelson to the President's Rostrum.

Senator Snelson was administered the Constitutional Oath of Office by the President of the Senate as Presi-

dent Pro Tempore of the First Called Session of the Sixty-second Legislature. The President then presented President Pro Tempore Snelson to the Senate.

President Pro Tempore Snelson addressed the Senate.

Reports of Standing Committees

By unanimous consent, Senator Word submitted the following report for the Committee on Legislative, Congressional and Judicial Districts:

S. B. No. 1 (Floor report)

By unanimous consent, Senator Mauzy submitted the following report for the Committee on Education:

S. B. No. 2 (Floor report)

Senate Bill 1 Ordered Not Printed

On motion of Senator Word and by unanimous consent, S. B. No. 1 was ordered not printed.

Senate Bill 1 on Second Reading

Senator Word moved that Senate Rules 13, 30 and 36 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 1 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Blanchard	Patman
Brooks	Ratliff
Christie	Schwartz
Connally	Sherman
Creighton	Snelson
Grover	Wallace
Hall	Watson
Harrington	Wilson
Herring	Word
Hightower	

Nays—4

Bernal	Mauzy
Harris	McKool

Absent—Excused

Bridges	Moore
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The President then laid before the Senate on its second reading and pas-

sage to engrossment the following bill:

S. B. No. 1, A bill to be entitled "An Act relating to reapportionment of congressional districts; repealing Chapter 342, Acts of the 60th Legislature, Regular Session, 1967 (Article 197c, Vernon's Texas Civil Statutes); and declaring an emergency."

The bill was read the second time and was passed to engrossment.

Record of Votes

Senators Mauzy, Grover, Bernal, McKool, Schwartz, Blanchard, Harris, Sherman, Creighton and Hightower asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

Senate Bill 1 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the President laid S. B. No. 1 before the Senate on its third reading and final passage.

The bill was read the third time and was passed.

Record of Votes

Senators Mauzy, Grover, Bernal, McKool, Schwartz, Blanchard, Harris, Sherman, Creighton and Hightower asked to be recorded as voting "Nay" on the final passage of the bill.

Reason for Vote

My reason for voting against Senate Bill 1 is because the Senate so divided the population which is in excess of that Congressional District (20) which is wholly within Bexar County.

By adding that split excess to two other Congressional Districts, the Senate acted in contravention to the rule laid out by prior court decisions maintaining the compactness of a community.

BERNAL

Message From Governor

The following message received from the Governor was read and filed with the Secretary of the Senate:

June 1, 1971.

TO THE MEMBERS OF THE TEXAS SENATE FROM GOVERNOR PRESTON SMITH:

I herewith submit the attached special message as an emergency measure for your consideration.

Respectfully submitted,

PRESTON SMITH,
Governor of Texas.

TO THE MEMBERS OF THE 62ND LEGISLATURE, FIRST CALLED SESSION:

The proclamation which called you into this special session is clear. Congressional redistricting must be done, and there is no reason why it cannot be done quickly.

There is one other matter which is mandatory.

For as long as most of us care to remember, the people of Texas have been divided deeply over the highly emotional issue of legalizing the sale of liquor by the drink. That issue has now become the law of our State. BUT there are no laws for taxation of liquor by the drink, other than through the limited sales and excise tax.

The citizens of our State have been told time and again that one reason for passing liquor by the drink laws was for the revenue which could be raised.

As Governor of Texas, I am pledged to represent all our citizens, just as you are sworn to represent the constituents of your district.

For that reason, I am amending the initial call of this special session to include passage of legislation which would levy additional taxes on the sale of mixed alcoholic drinks.

It has been estimated that the revenue yield from the liquor by the drink tax would be approximately 25 million dollars per year.

This revenue is needed. This is the time and the place to get it.

With regard to the arduous session just concluded, I have this to say:

It was a difficult session. Each and every one of you worked hard. There was bitterness and division because these are not easy times in which we live and attempt to serve the people of Texas.

But, in retrospect, the session was, in my opinion, productive.

Many good bills were passed, and I will sign them into law.

Many bills which may not be so good are on my desk, and if, after close evaluation, I find that they would not serve the best interests of all our citizens, they will be vetoed.

The purpose of this special session will not take long. If all of us will put our shoulders to the wheel and apply ourselves, this special session can be completed in a minimum of time.

I am sure that this is what we all want.

Senate Notified

A committee from the House appeared at the Bar of the Senate and Representative Ogg for the committee announced that the House of Representatives was organized and ready to transact business.

Adjournment

On motion of Senator Aikin the Senate at 12:45 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

SECOND DAY

(Wednesday, June 2, 1971)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Senate Resolution 3

Senator Snelson offered the following resolution:

S. R. No. 3, Providing for the creation of an interim committee on Texas Energy Fuels.

The resolution was read and was adopted.

Message From Governor

The following message received from the Governor was read and filed with the Secretary of the Senate:

Austin, Texas
June 2, 1971

To the Members of the 62nd Legislature, First Called Session:

I hereby submit as additional subjects for consideration in the First Called Session, the following legislation:

1. To enact measures providing for the regulation, importation, sales and service of various alcoholic beverages, the administration and enforcement of the Texas Liquor Control Act and the enforcement of regulations promulgated by the Texas Alcoholic Beverage Commission, providing for the adjustment of taxes on alcoholic beverages, and fees for licenses and permits.

Respectfully submitted,
Preston Smith
Governor of Texas

Communication From Supreme Court of Texas

The following communication received from the Supreme Court of Texas was read and referred to the Committee on Nominations:

June 2, 1971

To the Legislature of the Sixty-second Legislature, First Called Session:

I have appointed Honorable William H. Skelton a member of the Board of Pardons and Paroles, for the unexpired portion of the term beginning February 1, 1969 and ending January 31, 1975 heretofore held by Honorable Pat Bullock, who resigned